

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 636

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO TELECOMMUNICATIONS; CLARIFYING THOSE
TELECOMMUNICATIONS COMPANIES SUBJECT TO UTILITY INSPECTION
FEES; AMENDING A CERTAIN SECTION OF THE NMSA 1978 CONCERNING
ADMINISTRATIVE FINES; AMENDING THE NEW MEXICO
TELECOMMUNICATIONS ACT TO PROVIDE FOR CERTAIN DETERMINATIONS BY
THE PUBLIC REGULATION COMMISSION RELATED TO COMPETITION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-7-20 NMSA 1978 (being Laws 1951,
Chapter 194, Section 1, as amended) is amended to read:

"63-7-20. UTILITY AND CARRIER INSPECTION-- FEE. -- Each
utility and carrier doing business in this state ~~which~~ that
is subject to the control and jurisdiction of the commission by
virtue of the provisions of Article 11 of the constitution of
New Mexico with respect to its rates and service shall pay

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1 annually to the commission a fee in performance of its duties
2 as now provided by law. The fee for carriers shall not exceed
3 one-fourth of one percent of its gross receipts from business
4 transacted in New Mexico for the preceding calendar year. The
5 fee for utilities shall not exceed one-half of one percent of
6 its gross receipts from business transacted in New Mexico for
7 the preceding calendar year. This sum shall be payable
8 annually on or before January 20 or in equal quarterly
9 installments on or before January 20, April 20, July 20 and
10 October 20 in each year. No similar fee shall be imposed upon
11 the utility or carrier. In the case of utilities or carriers
12 engaged in interstate business, the fees shall be measured by
13 the gross receipts of the utilities or carriers from intrastate
14 business only for the preceding calendar year and not in any
15 respect upon receipts derived wholly or in part from interstate
16 business. As used in this section, "utility" includes
17 ~~[telephone companies]~~ telecommunications companies regulated
18 pursuant to the New Mexico Telecommunications Act, incumbent
19 rural telecommunications carriers defined in Subsection I of
20 Section 63-9H-3 NMSA 1978 and transmission companies. "

21 Section 2. Section 63-7-23 NMSA 1978 (being Laws 1995,
22 Chapter 175, Section 1, as amended by Laws 2000, Chapter 100,
23 Section 2 and also by Laws 2000, Chapter 102, Section 2) is
24 amended to read:

25 "63-7-23. TELECOMMUNICATIONS-- ADMINISTRATIVE FINES. --

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A. For purposes of this section:

(1) "commission" means the public regulation commission; and

(2) "telecommunications provider" means any telegraph company, telephone company, transmission company, telecommunications common carrier, telecommunications company, cellular service company or pay telephone provider regulated in whole or in part by the commission under law, including the Telephone and Telegraph Company Certification Act, the New Mexico Telecommunications Act, the Cellular Telephone Services Act and Sections 63-9E-1 and 63-9E-3 NMSA 1978.

B. The commission may impose an administrative fine on a telecommunications provider for any act or omission that the provider knew or should have known was a violation of any applicable law or rule or order of the commission.

C. Except in the case of disputes between telecommunications providers, an administrative fine of not more than one thousand dollars (\$1,000) may be imposed for each violation or each of multiple violations arising out of the same facts up to a maximum of twenty-five thousand dollars (\$25,000); or an administrative fine of not more than one thousand dollars (\$1,000) may be imposed for each day of a continuing violation arising out of the same facts up to a maximum of twenty-five thousand dollars (\$25,000).

Notwithstanding any other provision of this subsection, the

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1 commission may impose an administrative fine not to exceed
2 twenty-five thousand dollars (\$25,000) for a single violation:

3 (1) that results in substantial harm to the
4 customers of the telecommunications provider or substantial
5 harm to the public interest; or

6 (2) for failure to obtain a certificate of
7 public convenience and necessity required by law or for
8 operation outside the scope of that certificate.

9 D. In the case of disputes between
10 telecommunications providers, an administrative fine of not
11 more than one hundred thousand dollars (\$100,000) may be
12 imposed for the violation of a telecommunications provider
13 interconnection agreement, telecommunications provider
14 wholesale tariff or commission [regulation] rule or order
15 otherwise relating to the provision of services between
16 telecommunications providers. [~~An administrative fine of not~~
17 ~~more than one hundred thousand dollars (\$100,000) may be~~
18 ~~imposed for each day of a continuing violation.~~]

19 E. The amount of the fine should bear a reasonable
20 relationship to the nature and severity of the violation, and
21 should take into consideration any penalty resulting from the
22 self-executing provisions of a performance assurance plan.

23 F. The commission shall initiate a proceeding to
24 impose an administrative fine by giving written notice to the
25 telecommunications provider that the commission has facts as

1 set forth in the notice that, if not rebutted, may lead to the
2 imposition of an administrative fine under this section and
3 that the telecommunications provider has an opportunity for a
4 hearing. The commission may only impose an administrative fine
5 by written order that, in the case of contested proceedings,
6 [~~shall be~~] is supported by a preponderance of the evidence.

7 G. The commission may initiate a proceeding to
8 impose an administrative fine within two years from the date of
9 the commission's discovery of the violation, but in no event
10 shall a proceeding be initiated more than five years after the
11 date of the violation. This limitation shall not run against
12 any act or omission constituting a violation under this section
13 for any period during which the telecommunications provider has
14 fraudulently concealed the violation.

15 H. The commission shall consider mitigating and
16 aggravating circumstances in determining the amount of
17 administrative fine imposed.

18 I. For purposes of establishing a violation, the
19 act or omission of any officer, agent or employee of a
20 telecommunications provider, within the scope of such person's
21 authority, duties or employment, shall be deemed the act or
22 omission of the telecommunications provider.

23 J. Any telecommunications provider or other person
24 aggrieved by an order assessing an administrative fine may
25 appeal the order to the supreme court of New Mexico. A notice

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1 of appeal shall be filed within thirty days after the entry of
2 the commission's order. Notice of appeal shall name the
3 commission as appellee and shall identify the order from which
4 the appeal is taken.

5 K. The commission shall promulgate procedural rules
6 for the implementation of this section."

7 Section 3. Section 63-9A-3 NMSA 1978 (being Laws 1985,
8 Chapter 242, Section 3, as amended) is amended to read:

9 "63-9A-3. DEFINITIONS. -- As used in the New Mexico
10 Telecommunications Act:

11 A. "affordable rates" means local exchange service
12 rates that promote universal service within a local exchange
13 service area, giving consideration to the economic conditions
14 and costs to provide service in such area;

15 B. "cable television service" means the one-way
16 transmission to subscribers of video programming or other
17 programming service and subscriber interaction, if any, that is
18 required for the selection of such video programming or other
19 programming service;

20 C. "commission" means the public regulation
21 commission;

22 D. "competitive telecommunications service" means a
23 service that, pursuant to Section 63-9A-8 NMSA 1978, has been
24 determined to be subject to effective competition [~~pursuant to~~
25 ~~Section 63-9A-8 NMSA 1978~~] or subject to developing

1 competition;

2 E. "developing competition" means that at least two
3 telecommunications companies or carriers are providing a
4 service, part of a service or a category of services in a
5 relevant area;

6 [~~E.~~] F. "effective competition" means that the
7 customers of the service have reasonably available and
8 comparable alternatives to the service;

9 [~~F.~~] G. "fund" means the New Mexico universal
10 service fund;

11 [~~G.~~] H. "local exchange area" means a geographic
12 area encompassing one or more local communities, as described
13 in maps, tariffs or rate schedules filed with the commission,
14 where local exchange rates apply;

15 [~~H.~~] I. "local exchange service" means the
16 transmission of two-way interactive switched voice
17 communications furnished by a telecommunications company within
18 a local exchange area;

19 [~~I.~~] J. "message telecommunications service" means
20 telecommunications service between local exchange areas within
21 the state for which charges are made on a per-unit basis, not
22 including wide-area telecommunications service, or its
23 equivalent, or individually negotiated contracts for
24 telecommunications services;

25 [~~J.~~] K. "noncompetitive telecommunications service"

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1 means a service that has not been determined to be subject to
2 effective competition or subject to developing competition
3 pursuant to Section 63-9A-8 NMSA 1978;

4 ~~[K.]~~ L. "private telecommunications service" means
5 a system, including the construction, maintenance or operation
6 thereof, for the provision of telecommunications service, or
7 any portion of that service, by a person for the sole and
8 exclusive use of that person and not for resale, directly or
9 indirectly. For purposes of this definition, the person that
10 may use such service includes any affiliates of the person if
11 at least eighty percent of the assets or voting stock of the
12 affiliates is owned by the person. If any other person uses
13 the telecommunications service, whether for hire or not, the
14 private telecommunications service is a public
15 telecommunications service;

16 ~~[L.]~~ M. "public telecommunications service" means
17 the transmission of signs, signals, writings, images, sounds,
18 messages, data or other information of any nature by wire,
19 radio, lightwaves or other electromagnetic means originating
20 and terminating in this state regardless of actual call
21 routing. "Public telecommunications service" does not include
22 the provision of terminal equipment used to originate or
23 terminate such service; private telecommunications service;
24 broadcast transmissions by radio, television and satellite
25 broadcast stations regulated by the federal communications

1 commission; radio common carrier services, including mobile
 2 telephone service and radio paging; or one-way cable television
 3 service; and

4 ~~[M-]~~ N. "telecommunications company" means a person
 5 that provides public telecommunications service. "

6 Section 4. Section 63-9A-8 NMSA 1978 (being Laws 1985,
 7 Chapter 242, Section 8, as amended) is amended to read:

8 "63-9A-8. REGULATION OF RATES AND CHARGES. --

9 A. In accordance with the policy established in the
 10 New Mexico Telecommunications Act, the commission shall, by its
 11 own motion or upon petition by any interested party, hold
 12 hearings to determine if ~~[any]~~ a public telecommunications
 13 service, part of service or category of services is subject to
 14 effective competition in the relevant market area. When the
 15 commission has made a determination that a service, ~~[or]~~ part
 16 of ~~[a]~~ service or category of services is subject to effective
 17 competition, the commission shall consistent with the purposes
 18 of the New Mexico Telecommunications Act, modify, reduce or
 19 eliminate rules, regulations and other requirements applicable
 20 to the provision of such service, including the fixing and
 21 determining of specific rates, tariffs or fares for the
 22 service. The commission's action may include the detariffing
 23 of service or the establishment of minimum rates which will
 24 cover the costs for the service. Such modification shall be
 25 consistent with the maintenance of the availability of access

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1 to local exchange service at affordable rates and comparable
2 message telecommunication service rates, as established by the
3 commission, for comparable markets or market areas, except that
4 volume discounts or other discounts based on reasonable
5 business purposes shall be permitted. Upon petition or request
6 of an affected telecommunications company, the commission, upon
7 a finding that the requirements of Subsection [C] B of this
8 section are met, shall eliminate or modify the same or similar
9 regulatory requirements for those providers of comparable
10 public telecommunications services in the same relevant markets
11 so that there shall be parity of regulatory standards and
12 requirements for all such providers.

13 B. In determining whether a service is subject to
14 effective competition, the commission shall consider the
15 following:

16 (1) the extent to which services are
17 reasonably available from alternate providers in the relevant
18 market area;

19 (2) the ability of alternate providers to make
20 functionally equivalent or substitute services readily
21 available at competitive rates, terms and conditions; and

22 (3) existing economic or regulatory barriers.

23 C. In accordance with the New Mexico
24 Telecommunications Act, the commission shall, by its own motion
25 or upon petition by any interested party, hold hearings to

1 determine if a public telecommunications service, part of
 2 service or category of services is subject to developing
 3 competition in the relevant market area. Except as provided in
 4 Subsection E of this section, when the commission has made a
 5 determination that a telecommunications company's service, part
 6 of service or category of services is subject to developing
 7 competition, the telecommunications company may decrease by no
 8 more than fifty percent annually or increase by no more than
 9 twenty percent annually the price for the service, part of
 10 service or category of services. The telecommunications
 11 company may also charge different rates or prices for the same
 12 service, part of service or category of services that is
 13 subject to developing competition in the relevant market area.
 14 Upon petition or request of an affected telecommunications
 15 company, the commission upon a finding that the requirements of
 16 Subsection D of this section are met shall modify the same
 17 regulatory requirements for those providers of comparable
 18 public telecommunications services in the same relevant market
 19 areas so that there shall be parity of regulatory standards and
 20 requirements for all such providers.

21 D. The commission shall determine that a service,
 22 part of service or category of services is subject to
 23 developing competition in the relevant market area if it finds
 24 that:

25 (1) the service, part of service or category

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1 of services is being offered to end-user customers in the
2 relevant market area by one other provider of the public
3 telecommunications service, mobile or wireless telephone
4 service, radio paging service or cable telecommunications
5 service;

6 (2) the other provider of the public
7 telecommunications service, mobile or wireless telephone
8 service, radio paging service or cable telecommunications
9 service offering the service, part of service or category of
10 services is not subject to rate or price regulation;

11 (3) pursuant to 47 USCA 271, the federal
12 communications commission has approved an application by the
13 provider of the service, part of service or category of
14 services or the commission finds that the provider's network is
15 open to use by other telecommunications companies; and

16 (4) the pricing flexibility granted to the
17 telecommunications company pursuant to Subsection C of this
18 section will promote competition.

19 E. The pricing of a service, part of service or
20 category of services pursuant to Subsection C of this section
21 shall apply to an incumbent local exchange carrier subject to
22 an alternative form of regulation pursuant to Subsection C of
23 Section 63-9A-8.2 NMSA 1978 only after the termination date
24 stated in the order or rule prescribing the alternative form of
25 regulation as the order or rule existed on July 1, 2003. After

1 the termination date stated in the order or rule, the
 2 telecommunications company may decrease by no more than twenty
 3 percent annually or increase by no more than ten percent
 4 annually the rate of any public telecommunications service upon
 5 thirty days' notice to the commission. The rate change shall
 6 be reviewed by the commission only if a written protest, signed
 7 by not less than two and one-half percent of all affected
 8 subscribers, is filed with the commission within thirty days
 9 after notice of the rate change is sent to affected
 10 subscribers. The protest shall specifically set forth the
 11 particular rate as to which review is requested, the reasons
 12 for the requested review and the relief desired. Upon notice,
 13 the commission may suspend the protested rates during the
 14 proceedings and reinstate the rates previously in effect.
 15 Within ninety days after the filing of the protest, the
 16 commission shall determine if the rates proposed are fair, just
 17 and reasonable.

18 F. Until changed pursuant to the provisions of this
 19 section, alternative rates in effect for an incumbent local
 20 exchange carrier pursuant to Subsection C of Section 63-9A-8.2
 21 NMSA 1978 shall remain in effect after the termination date
 22 stated in the rule or order prescribing the alternative form of
 23 regulation.

24 G. A hearing before the commission pursuant to
 25 Subsection A or C of this section shall be completed within one

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1 hundred twenty days after the petition or motion initiating the
2 hearing process is filed.

3 ~~[C-]~~ H. No provider of public telecommunications
4 service may use current revenues earned or expenses incurred in
5 conjunction with any noncompetitive service to subsidize
6 competitive public telecommunications services. In order to
7 avoid cross-subsidization of competitive services by
8 noncompetitive telecommunications services, prices or rates
9 charged for a competitive telecommunications service shall
10 cover the cost for the provision of the service. In any
11 proceeding held pursuant to this section, the party providing
12 the service shall bear the burden of proving that the prices
13 charged for competitive telecommunications services cover cost.

14 ~~[D-]~~ I. The commission may, upon its own motion or
15 on the petition of an interested party and after notice to all
16 interested parties and customers and a hearing, reclassify any
17 service previously determined to be a competitive
18 telecommunications service if after a hearing the commission
19 finds that ~~[a]~~ the criteria for determining that the service
20 ~~[is not]~~ was subject to effective or developing competition are
21 no longer met. "

22 Section 5. Section 63-9A-8.1 NMSA 1978 (being Laws 1998,
23 Chapter 108, Section 61) is amended to read:

24 "63-9A-8.1. CHANGE IN RATES. --

25 A. Except as provided in Section 63-9A-8 NMSA 1978,

1 at a hearing involving an increase in rates or charges sought
 2 by a telecommunications company, the burden of proof to show
 3 that the increased rate or charge is just and reasonable shall
 4 be upon the company.

5 B. Except as provided in Section 63-9A-8 NMSA 1978,
 6 unless the commission otherwise orders, no telecommunications
 7 company shall make a change in an established rate except after
 8 thirty days' notice to the commission, which notice shall
 9 plainly state the changes proposed to be made in the rates then
 10 in force, the time when the changed rates will go into effect
 11 and other information as the commission by rule requires. The
 12 telecommunications company shall also give notice of the
 13 proposed changes to other interested persons as the commission
 14 may direct. All proposed changes shall be shown by filing new
 15 schedules that shall be kept open to public inspection. The
 16 commission for good cause shown may allow changes in rates
 17 without requiring the thirty days' notice, under conditions
 18 that it may prescribe.

19 ~~[C. Whenever a telecommunications company files a~~
 20 ~~complete application proposing new rates, the commission may,~~
 21 ~~upon complaint or upon its own initiative, except as otherwise~~
 22 ~~provided by law, upon reasonable notice, enter upon a hearing~~
 23 ~~concerning the reasonableness of the proposed rates. If the~~
 24 ~~commission determines a hearing is necessary, it shall suspend~~
 25 ~~the operation of the proposed rates before they become~~

1 ~~effective but not for a longer initial period than nine months~~
2 ~~beyond the time when the rates would otherwise go into effect,~~
3 ~~unless the commission finds that a longer time will be~~
4 ~~required, in which case the commission may extend the period~~
5 ~~for an additional three months. The commission shall hear and~~
6 ~~decide cases with reasonable promptness. The commission shall~~
7 ~~adopt rules identifying criteria for various rate and tariff~~
8 ~~filings to be eligible for suspension periods shorter than what~~
9 ~~is allowed by this subsection and to be eligible for summary~~
10 ~~approval without hearing.~~

11 ~~D.]~~ C. Except as provided in Section 63-9A-8 NMSA
12 1978, if after a hearing the commission finds the proposed
13 rates to be unjust, unreasonable or in any way in violation of
14 law, the commission shall determine the just and reasonable
15 rates to be charged or applied by the telecommunications
16 company for the service in question and shall fix the rates by
17 order to be served upon the telecommunications company; or the
18 commission by its order shall direct the telecommunications
19 company to file new rates respecting such service that are just
20 and reasonable. Those rates shall thereafter be observed until
21 changed as provided by the New Mexico Telecommunications Act. "

22 Section 6. Section 63-9A-8.2 NMSA 1978 (being Laws 2000,
23 Chapter 100, Section 4 and Laws 2000, Chapter 102, Section 4,
24 as amended) is amended to read:

25 "63-9A-8.2. IDENTIFYING SUBSIDIES-- RULES-- PRICE CAPS. --

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1 A. No later than December 31, 2000, the commission
 2 shall review existing rates for public telecommunications
 3 services offered by incumbent local exchange carriers with more
 4 than fifty thousand access lines and identify all subsidies
 5 that are included in the rates. The commission shall issue
 6 rules requiring that the identified subsidies appear on
 7 customer bills and establish a schedule not later than April 1,
 8 2001 whereby implicit subsidies be eliminated through
 9 implementation of the state rural universal service fund or
 10 through revenue-neutral rate rebalancing or any other method
 11 consistent with the intent of the New Mexico Telecommunications
 12 Act.

13 B. [~~No later than January 1, 2001~~] The commission
 14 shall adopt rules that:

15 (1) apply equally to all public
 16 telecommunications companies offering or providing services in
 17 the same local exchange area, regardless of whether the
 18 services have been determined to be competitive
 19 telecommunications services;

20 ~~(1)~~ (2) establish consumer protection and
 21 quality-of-service standards;

22 ~~(2)~~ (3) ensure adequate investment in the
 23 telecommunications infrastructure in both urban and rural areas
 24 of the state;

25 ~~(3)~~ (4) promote availability and deployment

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1 of high-speed data services in both urban and rural areas of
2 the state;

3 [~~(4)~~] (5) ensure the accessibility of
4 interconnection by competitive local exchange carriers in both
5 urban and rural areas of the state; and

6 [~~(5)~~] (6) establish an expedited regulatory
7 process for considering matters related to telecommunications
8 services that are pending before the commission.

9 C. [~~No later than April 1, 2001, but in no case~~
10 ~~prior to the adoption of the rules required in Subsection B of~~
11 ~~this section]~~ The commission shall eliminate rate of return
12 regulation of incumbent telecommunications carriers with more
13 than fifty thousand access lines and implement an alternative
14 form of regulation that includes reasonable price caps for
15 basic residence and business local exchange services.

16 D. Except for incumbent rural telecommunications
17 carriers included in Paragraph (1) of Subsection B of this
18 section and therefore subject to the rules adopted pursuant to
19 that subsection, rules adopted pursuant to this section shall
20 not be applied to incumbent rural telecommunications carriers
21 as that term is defined in Subsection I of Section 63-9H-3 NMSA
22 1978. "

23 Section 7. A new section of the New Mexico
24 Telecommunications Act, Section 63-9A-8.4 NMSA 1978, is enacted
25 to read:

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1 "63-9A-8.4. [NEW MATERIAL] TERMINATION OF RURAL EXTENSION
 2 FUNDS. --

3 A. As used in this section, "rural extension fund"
 4 means a fund reserved, set aside or in any other manner accrued
 5 by a telecommunications company pursuant to an order, rule,
 6 tariff or other requirement of the commission for the purpose
 7 of supporting or subsidizing the extension of lines or
 8 facilities by the telecommunications company to serve customers
 9 in rural or other low-density service areas.

10 B. After June 30, 2003, the commission shall not
 11 require a telecommunications company to establish or maintain a
 12 rural extension fund. The obligation of a telecommunications
 13 company to reserve, set aside or in any other manner accrue
 14 additional money to an existing rural extension fund shall
 15 terminate on July 1, 2003.

16 C. A telecommunications company with an accrued,
 17 unspent balance in a rural extension fund as of July 1, 2003
 18 shall apply the balance in accordance with the requirements of
 19 that fund until the balance is expended; provided, however,
 20 that the telecommunications company may offset and credit
 21 against the balance all contributions by the telecommunications
 22 company to telecommunications projects in rural areas. The
 23 telecommunications company shall work with the commission to
 24 develop a list of telecommunications development projects that
 25 benefit rural areas of the state that are in need of

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1 telecommunications facilities or services. No residential or
2 commercial real estate developer shall benefit directly from
3 telecommunications projects funded pursuant to this section."

4 Section 8. Section 63-9A-9 NMSA 1978 (being Laws 1985,
5 Chapter 242, Section 9, as amended) is amended to read:

6 "63-9A-9. REGULATION OF INDIVIDUAL CONTRACTS TO
7 FACILITATE COMPETITION. --

8 A. Except for services that are determined by the
9 commission to be competitive telecommunications services, in
10 accordance with the provisions of this section, the commission
11 shall regulate the rates, charges and service conditions for
12 individual contracts for public telecommunications services in
13 a manner ~~[which]~~ that facilitates effective competition and
14 shall authorize the provision of all or any portion of a public
15 telecommunications service under stated or negotiated terms to
16 any person or entity that has acquired or is preparing to
17 acquire, through construction, lease or any other form of
18 acquisition, similar public telecommunications services from an
19 alternate source.

20 B. At any time, the provider of public
21 telecommunications services may file a verified application
22 with the commission for authorization to provide a public
23 telecommunications service on an individual contract basis.
24 The application shall describe the telecommunications services
25 to be offered, the party to be served and the parties offering

1 the service, together with such other information and in such
 2 form as the commission may prescribe. Such additional
 3 information shall be reasonably related to the determination of
 4 the existence of a competitive offer. A determination of
 5 effective competition pursuant to Section 63-9A-8 NMSA 1978
 6 shall not be necessary to file an application or to have an
 7 application granted by the commission pursuant to this section.

8 C. The commission shall approve or deny any such
 9 application within ten days or such other period as shall be
 10 established by the commission, not to exceed sixty days, giving
 11 consideration to the requirements of any contract negotiations.
 12 If the commission has not acted on any application within the
 13 time period established, the application shall be deemed
 14 granted. The commission shall deny the application only upon a
 15 finding that the application fails to set forth prescribed
 16 information or that the subject or comparable services are not
 17 being offered to the customer by parties other than the
 18 applicant or that the contract fails to cover the costs of the
 19 service.

20 D. Within ten days after the conclusion of
 21 negotiations, the provider of public telecommunications
 22 services shall file with the commission the final contract or
 23 other evidence of the service to be provided, together with the
 24 charges and other conditions of the service, which shall be
 25 maintained by the commission on a confidential basis subject to

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1 an appropriate protective order. "

2 Section 9. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 2003.

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